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PTO/SB/01 (12-97)

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#3

## DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration Submitted with Initial Filing      OR       Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	IB-1366
First Named Inventor	Piskoti et al.
<i>COMPLETE IF KNOWN</i>	
Application Number	09 / 518,989
Filing Date	03/03/2000
Group Art Unit	1621
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Carbon Based Thirty Six Atom Spheres

the specification of which

(Title of the Invention)

is attached hereto

OR

was filed on (MM/DD/YYYY) 03/03/2000 as United States Application Number or PCT International

Application Number 09/518,989 and was amended on (MM/DD/YYYY)   (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/123,112	03/05/1999	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Customer Number  →  Place Customer Number Bar Code Label here  
 Registered practitioner(s) name/registration number listed below

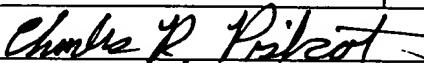
Name	Registration Number	Name	Registration Number
Henry P. Sartorio	28,535		
Paul R. Martin	24,593		
David J. Aston	28,051		

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to:  Customer Number or Bar Code Label  OR  Correspondence address below

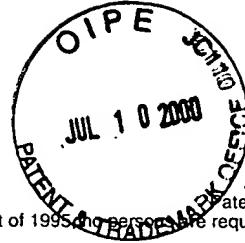
Name	Henry P. Sartorio				
Address	Lawrence Berkeley Nat'l Lab Patent Dept.				
Address	One Cyclotron Road, MS 90-1121				
City	Berkeley	State	CA	ZIP	94720
Country	US	Telephone	(510) 486-4534	Fax	(510) 486-7896

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle if any)				Family Name or Surname			
Charles R.				Piskoti			
Inventor's Signature						Date	05/00
Residence: City	Fenton	State	MI	Country	US	Citizenship	US
Post Office Address	10089 White Lake Road						
Post Office Address							
City	Fenton	State	MI	ZIP	48430	Country	US

Additional inventors are being named on the 2 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

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PTO/SB/02A (3-97)

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## DECLARATION

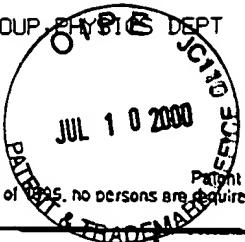
### ADDITIONAL INVENTOR(S) Supplemental Sheet Page 1 of 2

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])				Family Name or Surname				
Alex K.				Zettl				
Inventor's Signature	<i>Alex Zettl</i>						Date	6/19/00
Residence: City	Kensington	State	CA	Country	US	Citizenship	US	
Post Office Address	147 Highland Blvd.							
Post Office Address								
City	Kensington	State	CA	ZIP	94708	Country	US	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])				Family Name or Surname				
Marvin L.				Cohen				
Inventor's Signature	<i>Marvin L. Cohen</i>						Date	6/15/00
Residence: City	Piedmont	State	CA	Country	US	Citizenship	US	
Post Office Address	201 Estates Drive							
Post Office Address								
City	Piedmont	State	CA	ZIP	94611	Country	US	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])				Family Name or Surname				
Michel				Cote				
Inventor's Signature							Date	
Residence: City	Cambridge	State		Country	GB	Citizenship	CA	
Post Office Address	91 Alpha Road							
Post Office Address	Cambridge CB4 3DQ							
City	Cambridge	State		ZIP		Country	GB	

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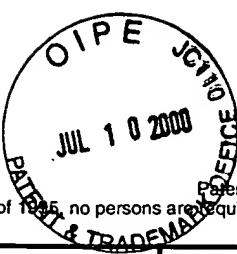
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**DECLARATION****ADDITIONAL INVENTOR(S)**  
Supplemental Sheet  
Page 1 of 2

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])		Family Name or Surname						
Alex K.		Zettl						
Inventor's Signature	<i>Alex Zettl</i>						Date	6/19/00
Residence: City	Kensington	State	CA	Country	US	Citizenship	US	
Post Office Address	147 Highland Blvd.							
Post Office Address								
City	Kensington	State	CA	ZIP	94708	Country	US	
Name of Additional Joint Inventor, if any:	<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])		Family Name or Surname						
Marvin L.		Cohen						
Inventor's Signature	<i>Marvin L. Cohen</i>						Date	6/15/00
Residence: City	Piedmont	State	CA	Country	US	Citizenship	US	
Post Office Address	201 Estates Drive							
Post Office Address								
City	Piedmont	State	CA	ZIP	94611	Country	US	
Name of Additional Joint Inventor, if any:	<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])		Family Name or Surname						
Michel		Core						
Inventor's Signature	<i>Michel Core</i>						Date	6/26/00
Residence: City	Cambridge	State		Country	GB	Citizenship	CA	
Post Office Address	91 Alpha Road							
Post Office Address	Cambridge CB4 3DQ							
City	Cambridge	State		ZIP		Country	GB	

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<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> <b>Supplemental Sheet</b> Page <u>2</u> of <u>2</u>
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])		Family Name or Surname						
Jeffrey C.		Grossman						
Inventor's Signature	<i>Jeffrey C. Grossman</i>						Date	6/29/00
Residence: City	Berkeley	State	CA	Country	US	Citizenship	US	
Post Office Address	1315 Josephine St.							
Post Office Address								
City	Berkeley	State	CA	ZIP		Country	US	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])		Family Name or Surname						
Steven G.		Louie						
Inventor's Signature	<i>Steven G. Louie</i>						Date	6/13/00
Residence: City	Berkeley	State	CA	Country	US	Citizenship	US	
Post Office Address	909 Hilldale Drive							
Post Office Address								
City	Berkeley	State	CA	ZIP	94708	Country	US	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])		Family Name or Surname						
Inventor's Signature							Date	
Residence: City		State		Country		Citizenship		
Post Office Address								
Post Office Address								
City		State		ZIP		Country		

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<b>VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) &amp; 1.27(d))-NONPROFIT ORGANIZATION</b>		Docket Number IB-1366
Applicant or Patentee:	Charles R. Piskoti et al.	
Application or Patent No.:	09/518,989	
File or Issued:	03/03/2000	
Title:	Carbon Based Thirty Six Atom Spheres	
I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:		
NAME OF NONPROFIT ORGANIZATION	The Regents, University of California	
ADDRESS OF NONPROFIT ORGANIZATION	1111 Franklin Street, 12 <sup>TH</sup> Floor Oakland, CA 94607-5200	
TYPE OF NONPROFIT ORGANIZATION: <input checked="" type="checkbox"/> UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION <input type="checkbox"/> TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) <input type="checkbox"/> NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA (NAME OF STATE _____) (CITATION OF STATUTE _____)		
I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark office regarding the invention described in: <input type="checkbox"/> the specification filed herewith with title as listed above. <input checked="" type="checkbox"/> the application identified above. <input type="checkbox"/> the patent identified above.		
I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).		
Each person, concern, or organization having any rights in the invention is listed below:		
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37CFR 1.28(b))		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.		
NAME OF PERSON SIGNING	David J. Aston	
TITLE IN ORGANIZATION OF PERSON SIGNING	Manager, Patent Department	
ADDRESS OF PERSON SIGNING	1 Cyclotron Road — M/S 90-1121—Berkeley, CA 94720	
SIGNATURE	<u>David J. Aston</u> DATE <u>6/30/00</u>	

